



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
---------------	-------------	----------------------	---------------------

08/447.757 05/23/95 WOOLFORD

M 3616.73US01

KENT EXAMINER

35M1/0731

MERCHANT GOULD SMITH EDELL WELTER  
& SCHMIDT  
3100 NORWEST CENTER  
90 SOUTH SEVENTH STREET  
MINNEAPOLIS MN 55402-4131

ART UNIT PAPER NUMBER

3504

18

DATE MAILED: 07/31/95

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined. ☒ Responsive to communication filed on 7/20/95 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.      | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.       |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.     | 6. <input type="checkbox"/>   |

Part II SUMMARY OF ACTION

1. ☒ Claims 35-49 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☒ Claims 35-49 are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Serial Number: 08/447,757

-2-

Art Unit: 3504

The following office action is in response to patent examination application serial number 08/447,757 filed on 05/23/95.

This application is acknowledged to be a continuation of application serial number 08/056,986, filed 05/04/93, now abandoned; which is a continuation-in-part of application serial number 07/957,598, filed 10/06/92, also abandoned.

Acknowledgment is made of the receipt of the preliminary amendment entered 07/20/95. Claims 1-15 and 21-34 have been cancelled. Claims 35-49 are pending on the merits.

#### DRAWINGS

The drawings are objected to under 37 C.F.R. 1.83(a) which states that "The drawings must show every feature of the invention specified in the claims." The drawings do not show two protrusions as in claim 42.

The applicant is required to proofread and to amend his drawings and claims to comply with U. S. Patent Office practice without the addition of new matter.

**ABSTRACT**

The Abstract of the Disclosure is objected to because it should be entitled "Abstract of the Disclosure". Correction is required. See M.P.E.P. § 608.01(b).

**CLAIMS - 35 U.S.C. 112 REJECTIONS SECOND PARAGRAPH**

Claims 44-48 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It appears claim 44, line 13, should read "blocks", not "block". Applicant is requested to proofread the claims for typos and make appropriate corrections.

**OBVIOUSNESS-TYPE DOUBLE PATENTING**

Claims 35-49 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of copending application serial number 08/322,357, in view of Dawson, U.S. Patent Number 2,149,957. The claims of the present application are the same as those of serial number 08/322,357, with the additional limitation regarding the front surfaces of the legs extending toward the

Serial Number: 08/447,757

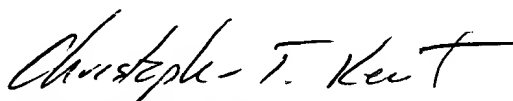
-4-

Art Unit: 3504

front surface of the block. This is considered an obvious modification to the legs of 08/322,357, helping to prevent the forward movement of the blocks after the building of the retaining structure. For example, Dawson teaches a retaining structure including anchoring members (22) which are bowed such that the legs extend laterally and forward to help prevent them from moving forward once covered with fill. While this reason is not specifically stated in Dawson it is readily apparent, especially if one considers that the anchors would be more easily displaced if reversed such that legs extended to the rear. To help prevent the forward displacement of the blocks of 08/322,357, it would have been obvious at the time the invention was made to a person having ordinary skill in the art, to have the legs of 08/322,357 extend toward the front surface of the block as is taught and suggested by Dawson.

Any inquiry concerning this communication should be directed to Christopher Kent at (703) 308-2497.

Christopher Kent  
July 24, 1995

  
**CHRISTOPHER T. KENT**  
**PATENT EXAMINER**  
**GROUP 3500**